

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Ishynique McCoy  
2046 Turner Street  
Philadelphia, PA 19121,  
Plaintiff,

vs.

T-Mobile Store  
575 N 52<sup>nd</sup> St Suite 708  
Philadelphia, PA 19131

and

T-Mobile USA, Inc.  
12920 Se 38<sup>th</sup> St.  
Bellevue, WA 98006

and

Assurant, Inc.  
28 Liberty Street, 41<sup>st</sup> Floor  
New York City, NY 10005

and

Asurion  
648 Grassmere Park  
Nashville, TN 37211

and

Apple, Inc.  
One Apple Way  
Cupertino, CA 95014

Defendants

**CIVIL ACTION**

**NO.: 2:18-cv-4079**

**JURY TRIAL DEMANDED**

**DEFENDANT APPLE INC.'S REPLY TO CROSS-CLAIM OF  
DEFENDANT T-MOBILE, USA, INC.**

Defendant, Apple Inc., by and through their counsel, Lavin, O'Neil, Cedrone & DiSipio, submit the following Reply to the Cross-claim of Defendant T-Mobile, USA, Inc.

1. Apple Inc. incorporates herein its Answers to Plaintiff's Complaint.
2. Denied as stated. It is admitted only that Apple Inc. sells or has sold certain electronic devices, generally including iPhones, and that it designed certain components thereof. As to the remainder of this paragraph, Answering Defendant is without knowledge or

information sufficient to form a belief as to the truth of the averments and therefore, they are denied and strict proof thereof is demanded.

3. Denied. By way of further response, Apple Inc. incorporates herein its Answer to Plaintiff's Complaint, ¶ 18, subparts a-r.

4. Denied. By way of further response, Apple Inc. incorporates herein its Answer to Plaintiff's Complaint, ¶ 18, subparts a-r.

5. Denied. It is denied that Apple Inc. was negligent, either as alleged in Plaintiff's Complaint or in any other manner whatsoever.

6. Denied. To the extent the averments in this paragraph imply that Answering Defendant is in any way responsible for the injuries or damages alleged in the Complaint, they are denied. It is denied that Answering Defendant proximately caused any alleged injuries of Plaintiff or was negligent, either as alleged in Plaintiff's Complaint or in any other manner whatsoever. As to the remainder of this paragraph, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments and therefore, they are denied and strict proof thereof is demanded.

7. Denied. Apple Inc. specifically denies it liable to Plaintiff and/or Defendant T-Mobile USA, Inc. under any theory.

**WHEREFORE**, Apple Inc. requests judgment be entered in its favor dismissing the Complaint and all Crossclaims of co-Defendant for contribution or indemnity that have been filed and that may be filed in the future and that it be granted such other and further relief as might be just and appropriate.

Respectfully Submitted,

**LAVIN, O'NEIL, CEDRONE & DiSIPPIO**

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Dated: October 17, 2018



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T-Mobile USA, Inc.*

**LAVIN, O'NEIL, CEDRONE & DISIPIO**

Dated: October 17, 2018

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